

12-2198

# EXHIBIT A-C

**FILED Mar 02, 2012**

Acc# 142309 \$51

FINANCE DIV.  
BERGEN COUNTY

2012 MAR -2 PM 12:01

**LAW OFFICE OF SEAN R. CALLAGY, ESQ.**

Sean R. Callagy, Esq.  
Mack-Cali Centre II  
650 From Road, Suite 565  
Paramus, New Jersey 07652  
Attorneys for Plaintiff

**BERGEN PAIN MANAGEMENT** on  
assignment from **GABRIELLE D.**  
member identification number  
**SFZ849772514**

Plaintiff,

v.

**BLUE CROSS BLUE SHIELD OF**  
**ILLINOIS, John/Jane Does, 1-10;**  
**ABC Corp., 1-10; ABC Partnerships,**  
**1-10;**

Defendants.

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION: SPECIAL CIVIL PART**  
**BERGEN COUNTY**

**DOCKET NO.:**

**CIVIL ACTION**

**COMPLAINT**

**DC-006435-12**

Plaintiff, Bergen Pain Management, whose place of business is 30 West Century Road,  
Suite 310, Suite 103, City of Paramus, State of New Jersey, by way of Complaint against  
Defendant, says as follows:

**FIRST COUNT**

1. Plaintiff brings this action pursuant to an assignment of benefits from patient(s) who were the beneficiaries of health benefits plans or policies administered by Defendant, a healthcare provider who conduct business in the state of New Jersey.
2. On the date of 10/21/11, Plaintiff provided patient assignor with medically necessary services.

BG HO MM 026

3. The total amount billed from Plaintiff to Defendant was \$217500.00 of which \$2113.56 was paid, leaving a balance due and owing of \$19636.44.
4. Upon information and belief, Defendant failed to make payment in accordance with the plan or policy between patient assignor and Defendant.

Wherefore, Plaintiff, demands judgment against Defendant as follows:

- a. For an Order directing Defendant to pay the sum of \$15000.00 plus interest at the Court rate from the date of services rendered to the present;
- b. For attorney fees and costs of suit;

#### SECOND COUNT

1. Plaintiff repeats all allegations of the First Count as if set forth herein at length and makes same a part hereof.
2. Defendants, JOHN DOES 1-10 (names unknown), JANE DOES 1-10 (names unknown), and ABC CORPS. 1-10 (names unknown), being individuals or entities who were Plan Administrator, Claims Administrator and/or Third Party Administrator responsible for the administration, processing, control, supervision, of the insurance policy in question.
5. 3. Defendants, JOHN DOES 1-10 (names unknown), JANE DOES 1-10 (names unknown), and ABC CORPS. 1-10 failed to make payments in accordance with the plan or policy between patient assignor and Defendant.

Wherefore, Plaintiff, demands judgment against Defendant as follows:

- c. For an Order directing Defendant to pay the sum of \$15000.00 plus interest at the Court rate from the date of services rendered to the

present;

d. For attorney fees and costs of suit;

**R. 4:5-1(b)(2) CERTIFICATION**

Pursuant to R. 4:5-1(b)(2), I hereby certify that the matter in controversy is not the subject of any other action pending in any court, is not the subject of a pending arbitration proceeding and is not the subject of any other contemplated action or arbitration proceeding, except as may be set forth below:

None.

I further certify that I know of no non-parties who should be joined in the action pursuant to R. 4:28, or who may be subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts, except as may be set forth below:

None.

**NOTICE TO PRODUCE**

Pursuant to R. 4:18-1, the Plaintiff hereby demands that each Defendant produce the following documentation within thirty (30) days as prescribed by the Rules of Court. Additionally please be advised that the following requests are ongoing and continuing in nature and each Defendant is therefore required to continuously update its responses thereto as new information or documentation comes into existence.

1. A true and exact copy of the Health Insurance Plan that was in effect for the date of service at issue in this complaint.
2. Copies of any and all documents concerning the insurance policy, Summary Plan Description, and/or Plan describing the terms and conditions governing the services rendered by Plaintiff as described in the Complaint filed in this action. Such documents should also include the names, addresses and contact information of any insurer, Plan, Plan Administrator and/or Claims Administrator of any policy or plan applicable to the services rendered by Plaintiff as described in the complaint filed in this action.
3. The name and address of any other party of interest, specifically the Plan Administrator, Claims Administrator, Third Party Administrator and /or additional Insurance Companies.
4. The name of the publication, database, documentation, Medicare guidelines etc. in which your company bases its Usual and Customary Rate upon.
5. Copies of any and all documentation, including but not limited to manuals, statutes, rules, regulations, books and/or industry standards which refer to, reflect or otherwise relate to the date of service in question or any potential defense to the action in question.
6. If this Defendant intends to produce the testimony of any expert witnesses at Trial, set forth the names and addresses of each such witness, their area of expertise, the subject matter on which they are expected to testify, and a summary of the grounds of each opinion. Attach a true copy of all written reports provided to this Defendant by such witnesses.

**CERTIFICATION OF ATTORNEY**

I hereby certify that to the best of my knowledge, information and belief, the within matter is not the subject of any other action or proceeding. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Law Offices of Sean R. Callagy, Esq., LLC  
Attorneys for Plaintiff

By: s/ Sean R. Callagy  
Sean R. Callagy, Esq.

DATED: 1/31/12

**CERTIFICATION OF ATTORNEY**

I hereby certify that to the best of my knowledge, information and belief, the within matter is not the subject of any other action or proceeding. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Law Offices of Sean R. Callagy, Esq., LLC  
Attorneys for Plaintiff

By: 

Sean R. Callagy, Esq.

DATED: 8/27/12

**SUPERIOR COURT OF NEW JERSEY**

**BERGEN VICINAGE**  
Bergen County Justice Center  
Special Civil Part, In-Take Office, Room 115  
Hackensack, New Jersey 07601-7699  
(201) 527-2600  
Fax (201) 371-1131

FINANCE DIVISION  
BERGEN COUNTY

2012 MAR -2 PM 12:01

Jon Goodman  
Trial Court Administrator



Kathleen Andes-Styllanou, Esq.  
Civil Division Manager

**DOCUMENT RETURN/NONCONFORMING DOCUMENT NOTIFICATION**

Date February 14, 2012

Docket No. \_\_\_\_\_

(Please use this number on all papers in this case)

**Bergen Pain Management**  
(Plaintiff)

VS

**Empire Blue Cross Blue Shield**  
(Defendant)

Pursuant to the provisions of R. 1:5-6 (c), enclosed please find the following

☒ Complaint  
☐ Answer  
☐ Other

☐ Notice of Motion  
☐ Request to Enter Default

1. The attached document is being returned to you and has been marked "received" but not "filed" as a result of the reason(s) identified below.

☐ Incorrect Venue

☒ Signature Missing/Not Original

☐ Missing Summons

☒ There are insufficient funds in the attorney collateral account.

☐ Other

2. The attached document has been received and filed by the court but has been marked nonconforming for the reason(s) identified below

☐ No summons filed for Default requested

☐ Other

If you require any additional information, please contact

R. 1:5-6 (c) "If the paper is retransmitted together with the required document or fee, as appropriate, within ten days after the date of the clerk's notice, filing will be deemed to have been made on the stamped receipt date." You are hereby directed to forward a copy of this letter to all counsel of record

*Nichole Valente* 201-527-2736  
Signature Telephone No



Sean R. Callagy+  
Tara M. McCluskey+  
Shannon Berger+  
Anne M. Deilis+  
JoAnne LaGreca+  
Michael J. Smukun+

+Members of the New Jersey Bar  
\*Members of the New York Bar

**Sean R. Callagy, Esq., LLC**  
Mack-Cali Centre II  
650 From Road • Suite 565  
Paramus, New Jersey 07652  
Phone: 201-261-1700 • Fax: 201-261-1775

New York Office  
1133 Broadway  
Suite 708  
New York, NY 10010  
(Reply to NJ Office)

January 31, 2012

Special Civil Part  
Bergen County Courthouse  
Justice Center  
10 Main Street, Room 427  
Hackensack, NJ 07601

Re: **Bergen Pain Management (Gabrielle D.) v. Blue Cross Blue Shield of NJ**  
Our File No.: BG HO MM 026

RECEIVED  
2012 FEB -2 PM 2:30  
BERGEN COUNTY  
SPECIAL CIVIL PART

Dear Sir/Madam:

Enclosed herewith please find an original and two (2) copies of a Summons and Complaint which I ask that you kindly file, serve and return a copy stamped "FILED" to this office in the enclosed envelope.

Kindly charge the filing fees to account 142309.

Respectfully Submitted,  
Law Offices of Sean R. Callagy, Esq.

By: /s/ Sean R. Callagy  
Sean R. Callagy, Esq.

SRC/jmk  
Encl.



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APPENDIX XI-A(1)  
SUMMONS AND RETURN OF SERVICE



THE SUPERIOR COURT OF NEW JERSEY  
Law Division, Special Civil Part  
SUMMONS

**YOU ARE BEING SUED!**  
**IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS LAWSUIT, YOU MUST FILE A WRITTEN ANSWER WITH THE COURT WITHIN 35 DAYS OR THE COURT MAY RUL E AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.**

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. You are cautioned that if you do not answer the complaint, you may lose the case automatically, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

You can do one or more of the following things:

1. *Answer the complaint.* An answer form is available at the Office of the Clerk of the Special Civil Part. The answer form shows you how to respond in writing to the claims stated in the complaint. If you decide to answer, you must send it to the court's address on page 2 and pay a \$15 filing fee with your answer and send a copy of the answer to the plaintiff's lawyer or to the plaintiff if the plaintiff does not have a lawyer. Both of these steps must be done within 35 days (including weekends) from the date you were "served" (sent the complaint). That date is noted on the next page.

AND/OR

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. You do not have to do this unless you want to. This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. Negotiating with the plaintiff or the plaintiff's attorney will not stop the 35-day period for filing an answer unless a written agreement is reached and filed with the court.

AND/OR

3. *Get a lawyer.* If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at 201-487-2166. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at 201-488-0044.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

La traducción al español se encuentra al dorso de esta página.

Effective 9/2002

*Kathleen Andrea Stancione*  
Clerk of the Special Civil Part

**SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE---PAGE 2**

Law Office of Sean R. Callagy, Esq.  
Mack-Cah Center II  
650 From Road, Suite 565  
Paramus, NJ 07652  
Telephone No. (201)261-1700

Demand Amt \$15000.00  
Filing Fee \$57.00  
Service Fee TBA  
Atty Fee: TBA  
TOTAL \$15057.00

**BERGEN PAIN MANAGEMENT** on  
assignment of **GABRIELLE D.**  
Plaintiff(s)

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION-SPECIAL CIVIL PART**  
**BERGEN COUNTY**  
Special Civil Part Information

vs  
**BLUE CROSS BLUE SHIELD OF IL,**  
**JOHN/JANE DOES 1-10, ABC CORP 1-10,**  
**ABC PARTNERSHIPS,**

Docket No. **DC-006435-12**

**CIVIL ACTION**  
**SUMMONS**

Defendant(s)

Defendant(s) Information

Blue Cross Blue Shield of Illinois  
300 E Randolph Street  
Chicago, IL

**60623**

Date Served:

**RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)**

Date Served: **03/13/2012**

**RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)**

Docket Number: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
WM WF BM BF OTHER HT WT AGE MUSTACHE BEARD GLASSES  
NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_  
Description of Premises: \_\_\_\_\_

I hereby certify the above to be true and accurate:

\_\_\_\_\_  
Court Officer

**RETURN OF SERVICE IF SERVED BY MAIL (For Court Use Only)**

I, Jennifer Kalokitis, hereby certify that on 03/13/2012, I mailed a copy of the within summons and complaint by regular and certified mail, return receipt requested.

Jennifer Kalokitis  
Employee Signature

# EXHIBIT C

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

**Robert P. Lesko, Esq.**

**Jobil P. Cyriac, Esq.**

**200 Campus Drive**

**Florham Park, New Jersey 07932**

**Tel: 973-624-0800**

**Fax: 973-624-0808**

**Attorneys for Defendants Blue Cross Blue Shield of Illinois**

BERGEN PAIN MANAGEMENT on  
assignment of GABRIELLE D

Plaintiff(s),

v.

BLUE CROSS BLUE SHIELD OF IL,  
JOHN/JANE DOES 1-10, ABC CORP 1-10,  
ABC PARTNERSHIPS,

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: SPECIAL CIVIL PART  
: BERGEN COUNTY

: DOCKET NO. DC-006435-12

: CIVIL ACTION

: **NOTICE OF REMOVAL OF ACTION**  
: **UNDER 28 U.S.C. § 1441**

: [Federal Question]  
: (28 U.S.C. §§ 1331)

TO: Bergen County, Special Civil Part  
Bergen County Justice Center  
Room 427, 10 Main Street  
Hackensack, NJ 07601

Sean R. Callagy, Esq.  
Mack-Cali Centre II  
650 From Road, Suite 565  
Paramus, NJ 07652

**NOTICE OF FILING OF REMOVAL TO UNITED STATES DISTRICT COURT**

**PLEASE TAKE NOTICE**, that pursuant to 28 U.S.C. § 1441 (a), defendant, Blue Cross Blue Shield of Illinois ("Defendant BCBSIL") by and through its undersigned attorneys, Wilson Elser Moskowitz Edelman & Dicker, LLP, on this date have filed a Notice of Removal of a Civil

Action from the Superior Court of New Jersey, Law Division: Special Civil, Bergen County, to the United States District Court for the District of New Jersey, Newark Vicinage, together with all process, pleadings, and Orders, as required by 28 U.S.C. § 1446 (a), copies of which are attached hereto as "**Exhibit A**", and made part hereof.

**PLEASE TAKE FURTHER NOTICE**, that Defendants hereby file this Notice and Petition with the Bergen County Clerk of the Superior Court of New Jersey, Law Division: Special Civil Part, in accordance with 28 U.S.C. § 1446(d).

***WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP***  
Attorneys for Blue Cross Blue Shield of Illinois

By: s/ Jobil Cyriac

Jobil P. Cyriac, Esq

Robert P. Lesko, Esq.

Dated: April 12, 2012.

***CERTIFICATE OF SERVICE***

I hereby certify that on behalf of the defendant, I caused an original and two copies of the Notice of Filing of Removal along with attached Notice of Removal, to be delivered via Hand delivery on this date to:

Bergen County, Special Civil Part  
Bergen County Justice Center  
Room 427, 10 Main Street  
Hackensack, NJ 07601

I further certify that I caused to be delivered one (1) copy hand delivery to:

Sean R. Callagy, Esq.  
Mack-Cali Centre II  
650 From Road, Suite 565  
Paramus, NJ 07652

I further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

***WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP***  
Attorneys for Blue Cross Blue Shield of Illinois

By: s/ Jobil Cyriac  
Jobil P. Cyriac, Esq.

Dated: April 12, 2012.